

58:12A-22.1

original

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

NJSA: 58:12A-22.1

(Water supply
remediation)

LAWS OF: 1989

CHAPTER: 311

Bill No: S3599

Sponsor(s): Dalton

Date Introduced: May 22, 1989

Committee: Assembly: Conservation, Natural Resources & Energy

Senate: Energy & Environment

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: January 4, 1990

Senate: June 19, 1989

Date of Approval: January 12, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[FIRST REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3599

STATE OF NEW JERSEY

ADOPTED MAY 22, 1989

LAST COPY
DO NOT REMOVE

Sponsored by Senator DALTON

1 AN ACT concerning the remediation of contaminated water
2 supplies, amending and supplementing P.L.1988, c.106, and
3 amending P.L.1985, c.408.

4

5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. Section 1 of P.L.1988, c.106 (C.58:12A-22) is amended to
8 read as follows:

9 1. a. There is established in the Department of Environmental
10 Protection a non-lapsing revolving fund to be known as the
11 "Water Supply Replacement Trust Fund," hereinafter referred to
12 as the fund. The department shall administer the fund, and
13 monies in the fund shall be used to (1) provide loans to
14 municipalities or municipally-owned or privately-owned public
15 water systems as defined in section 3 of P.L.1977, c.224
16 (C.58:12A-3) for the [purpose] purposes of providing a permanent
17 alternate water supply to persons whose principal source of
18 potable water is contaminated or is threatened with
19 contamination by hazardous substances as identified by the
20 department or fails to meet the State primary drinking water
21 standards contained in regulations developed pursuant to this act,
22 and (2) to provide funds to the department to conduct feasibility
23 studies to determine appropriate remedies for contaminated
24 potable water supplies, to conduct confirmatory tests to
25 determine the presence of hazardous substances in potable water
26 supplies, [(2)] to study the extent to which water supplies are
27 contaminated or are threatened by contamination with hazardous
28 substances, [(3)] to develop recommendations for remediating
29 contaminated or threatened water supplies, and [(4)] to defray
30 administrative costs incurred by the department in implementing
31 the provisions of this act. Payments of principal and interest on
32 loans issued under the authority of this act shall be deposited in

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
1 Assembly ANR committee amendments adopted December 7, 1989.

1 the fund, and shall remain available for further disbursements as
2 new loans to be awarded pursuant to this act. Any monies
3 deposited in the "Water Supply Replacement Trust Fund" are
4 hereby appropriated to the Department of Environmental
5 Protection to carry out the purposes of this act.

6 b. Loans made to local government units pursuant to this act
7 shall bear interest at a rate fixed by the Treasurer, which rate
8 shall not exceed 2% per year for a term of not more than 20
9 years.

10 c. As used in this act, "hazardous substance" means any
11 substance defined as a hazardous substance by the Department of
12 Environmental Protection pursuant to rules and regulations
13 adopted pursuant to section 3 of P.L.1976, c.141 (C.58:10-23.11b).
14 (cf: P.L.1988, c.106, s.1)

15 2. Section 2 of P.L.1988, c.106 (C.58:12A-23) is amended to
16 read as follows:

17 2. a. Of the monies made available for the cleanup of
18 hazardous discharge sites pursuant to P.L.1986, c.144
19 (C.54:10A-5.1 et seq.) and transferred to the "Water Supply
20 Replacement Trust Fund" pursuant to section 3 of this act, the
21 sum of \$1,000,000 is allocated for the purpose of funding a study
22 to be conducted by the department to determine the extent to
23 which water supplies are contaminated or are threatened by
24 contamination with hazardous substances and to develop
25 recommendations for dealing with such contaminated or
26 threatened water supplies ,and \$2,000,000.00 is allocated for
27 conducting site specific feasibility studies authorized pursuant to
28 section 1 of this act.

29 b. Of the monies made available for the cleanup of hazardous
30 discharge sites pursuant to P.L.1986, c.144 (C.54:10A-5.1 et seq.)
31 and transferred to the "Water Supply Replacement Trust Fund"
32 pursuant to section 3 of this act, the sum of [\$59,000,000]
33 \$57,000,000 is allocated for the purpose of providing loans to
34 municipalities or municipally-owned or privately-owned public
35 water systems as defined in section 3 of P.L.1977, c.224
36 (C.58:12A-3) for the purpose of providing a permanent alternate
37 water supply to persons whose principal source of potable water
38 is contaminated or is threatened with contamination by hazardous
39 substances as identified by the department.

40 (cf: P.L.1988, c.106, s.2)

1 3. Section 4 of P.L.1988, c.106 (C.58:12A-25) is amended to
2 read as follows:

3 4. The Department of Environmental Protection shall utilize
4 \$8,000,000.00 of the monies deposited in the "Water Supply
5 Replacement Trust Fund" to provide loans to a qualifying
6 municipality for the extension of a public water supply system to
7 a residential area or to a municipally-owned or privately-owned
8 public water supply system for the extension of a public water
9 supply system to a residential area in a qualifying municipality.

10 A qualifying municipality is one with a residential area of more
11 than 1,500 residential units that has been found by the local
12 department of health, or board of health, and the county board of
13 health, or department of health, to have at least 25% of the wells
14 supplying potable water to the area with contaminants at the
15 Class II, Class III or Class IV interim action levels for hazardous
16 contaminants in drinking water of the Department of
17 Environmental Protection, or in excess of the maximum
18 contaminant levels adopted by the department pursuant to
19 P.L.1983, c.443 (C.58:12A-12 et seq.), as may be applicable, and:

20 a. (1) The potable water supply for the residential area is
21 deemed by the county board of health or department of health to
22 be unfit for human consumption, and (2) the governing body of the
23 municipality has adopted a resolution banning new construction in
24 the area pending connection of the area to a public water supply
25 system; or

26 b. The Department of Environmental Protection determines all
27 or a portion of the ground water serving the residential area to be
28 a well-restriction area.

29 A municipality applying for a loan under this section shall
30 certify to the department the estimated costs for extending a
31 public water supply system to an eligible residential area that
32 satisfies the criteria of this section. Monies from a loan made
33 hereunder are to be expended solely for the purpose of expanding
34 the public water supply system to residences with contaminated
35 wells.

36 (cf: P.L.1988, c.106, s.3)

37 4. (New section) a. There is established in the "Water Supply
38 Replacement Trust Fund" established pursuant to section 1 of
39 P.L.1988, c.106 (C.58:12A-22) a Radium-Contaminated Water
40 Supply sub-account. Monies in the Radium-Contaminated Water

1 Supply sub-account shall be used by the Department of
2 Environmental Protection for the purpose of testing and mapping
3 those aquifers identified by the department to determine the
4 extent of radium contamination of the aquifer, and by the
5 department or a municipal or regional health agency certified by
6 the department pursuant to section 15 of P.L.1977, c.443
7 (C.26:3A2-33) for the purpose of financing confirmatory tests to
8 determine the presence of radium in potable water supplies.

9 b. Any owner of a single family residence who has conducted a
10 gross alpha or a gross beta screen test of the potable water
11 supply relied upon by the occupants of the single family
12 residence, the results of which indicate the presence of radium in
13 the potable water supply in excess of a safety level established by
14 the department, may petition the department to conduct a
15 confirmatory test, which may be based on representative
16 sampling, to determine the accuracy of the initial test. Upon
17 receipt of such a request, the department shall conduct the
18 confirmatory test. No request for a confirmatory test may be
19 made by a person pursuant to this subsection until the department
20 has completed the testing and mapping of aquifers required
21 pursuant to subsection a. of this section.

22 c. Of the amount appropriated to the Radium-Contaminated
23 Water Supply sub-account, the sum of \$1,000,000 is allocated ¹to
24 the New Jersey Housing and Mortgage Finance Agency
25 established pursuant to P.L.1983, c.530 (55:14K-1 et seq.) and
26 dedicated¹ for the purposes of providing low interest loans to
27 owners of single family residences whose source of potable water
28 is contaminated ¹or threatened by contamination¹ with radium to
29 provide a permanent alternative potable water supply or adequate
30 treatment technology.

31 ¹The agency shall establish a program to provide the loans
32 authorized pursuant to this subsection. The loans issued pursuant
33 to this subsection shall bear an interest of not more than 2
34 percent per year, and shall be for a term of not more than 5
35 years. The maximum amount for any single loan shall be
36 \$10,000. Loan applicants shall provide certification from the
37 Department of Environmental Protection or from a municipal or
38 regional health agency certified pursuant to section 15 of
39 P.L.1977, c.443 (C.26:3A2-33) of the contamination or the threat
40 of this contamination when applying for loans on forms prescribed

1 by the agency.¹

2 d. There is appropriated to the Radium-Contaminated Water
3 Supply sub-account the sum of \$3,500,000 from the "Clean
4 Waters Fund" established pursuant to P.L.1976, c.92 from
5 amounts in the fund received as repayments of emergency water
6 supply loans made pursuant to P.L.1981, c.28.

7 5. Section 4 of P.L.1985, c.408 (C.26:2D-62) is amended to
8 read as follows:

9 4. The Departments of Environmental Protection and Health
10 shall also coordinate to establish a public information and
11 education program to inform the public of the potential health
12 effects of the presence of radon gas and radon progeny in
13 residential dwellings, and the presence of radium in potable water
14 supplies, and the geographic areas in the State subject to an
15 actual or potential threat of danger and the measures which can
16 be taken to protect the health, safety, and welfare of the citizens
17 of the State. This public information and education program shall
18 include:

19 a. A cooperative program with county and local health
20 departments to facilitate health education in response to requests
21 from the public; and

22 b. A toll-free public telephone information service within the
23 Department of Environmental Protection to answer questions
24 from residents of the State concerning radon gas and radon
25 progeny contamination, or radium contamination, or both, as the
26 case may be. The availability of the public telephone information
27 service shall be published in the major newspapers circulated in
28 the geographic areas of this State subject to an actual or
29 potential threat of danger from radon gas or radon progeny
30 contamination, or from the presence of radium in potable water
31 supplies, as appropriate.

32 (cf: P.L.1985, c.408, s.4)

33 6. This act shall take effect immediately.

34

35

36

ENVIRONMENT

37

Air and Water pollution

38

39 Provides loans for water supply remediation; provides for testing
40 and mapping of radium contaminated water supplies.

LAW LIBRARY COPY
DO NOT REMOVE

SENATE, No. 3599
STATE OF NEW JERSEY

INTRODUCED MAY 22, 1989

By Senator DALTON

1 AN ACT concerning the remediation of contaminated water
supplies, and amending P.L.1988, c.106.

3

BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

1. Section 1 of P.L.1988, c.106 (C.58:12A-22) is amended to
7 read as follows:

1. a. There is established in the Department of Environmental
9 Protection a non-lapsing revolving fund to be known as the
"Water Supply Replacement Trust Fund," hereinafter referred to
11 as the fund. The department shall administer the fund, and
monies in the fund shall be used to (1) provide loans to
13 municipalities or municipally-owned or privately owned public
water systems as defined in section 3 of P.L.1977, c.224
15 (C.58:12A-3) for the purpose of providing a permanent alternate
water supply to persons whose principal source of potable water
17 is contaminated or is threatened with contamination by hazardous
substances as identified by the department, (2) study the extent
19 to which water supplies are contaminated or are threatened by
contamination with hazardous substances, (3) develop
21 recommendations for remediating contaminated or threatened
water supplies, and (4) defray administrative costs incurred by
23 the department in implementing the provisions of this act.
Payments of principal and interest on loans issued under the
25 authority of this act shall be deposited in the fund, and shall
remain available for further disbursements as new loans to be
27 awarded pursuant to this act. Any monies deposited in the
"Water Supply Replacement Trust Fund" are hereby appropriated
29 to the Department of Environmental Protection to carry out the
purposes of this act.

31 b. Loans made to local government units pursuant to this act
shall bear interest at a rate fixed by the Treasurer, which rate
33 shall not exceed 2% per year for a term of not more than 20

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 years.

(cf: P.L.1988, c.106, s.1)

3 2. Section 2 of P.L.1988, c.106 (C.58:12A-23) is amended to
read as follows:

5 2. a. Of the monies made available for the cleanup of
hazardous discharge sites pursuant to P.L.1986, c.144
7 (C.54:10A-5.1 et seq.) and transferred to the "Water Supply
Replacement Trust Fund" pursuant to section 3 of this act, the
9 sum of \$1,000,000 is allocated for the purpose of funding a study
to be conducted by the department to determine the extent to
11 which water supplies are contaminated or are threatened by
contamination with hazardous substances and to develop
13 recommendations for dealing with such contaminated or
threatened water supplies.

15 b. Of the monies made available for the cleanup of hazardous
discharge sites pursuant to P.L.1986, c.144 (C.54:10A-5.1 et seq.)
17 and transferred to the "Water Supply Replacement Trust Fund"
pursuant to section 3 of this act, the sum of \$59,000,000 is
19 allocated for the purpose of providing loans to municipalities or
municipally-owned or privately owned public water systems as
21 defined in section 3 of P.L.1977, c.224 (C.58:12A-3) for the
purpose of providing a permanent alternate water supply to
23 persons whose principal source of potable water is contaminated
or is threatened with contamination by hazardous substances as
25 identified by the department.

(cf: P.L.1988, c.106, s.2)

27 3. Section 4 of P.L.1988, c.106 (C.58:12A-25) is amended to
read as follows:

29 4. The Department shall utilize \$8,000,000.00 of the monies
deposited in the "Water Supply Replacement Trust Fund" to
31 provide loans to a qualifying municipality for the extension of a
public water supply system to a residential area or to a
33 municipally-owned or privately-owned public water system for
the extension of a public water supply system to a residential
35 area in a qualifying municipality. A qualifying municipality is one
with a residential area of more than 1,500 residential units that
37 has been found by the local department of health, or board of
health, and the county board of health, or department of health,
39 to have at least 25% of the wells supplying potable water to the

1 area with contaminants at the Class II, Class III or Class IV
interim action levels for hazardous contaminants in drinking
3 water of the Department of Environmental Protection, or in
excess of the maximum contaminant levels adopted by the
5 department pursuant to P.L.1983, c.443 (C.58:12A-12 et seq.), as
may be applicable, and:

7 a. (1) The potable water supply for the residential area is
deemed by the county board of health or department of health to
9 be unfit for human consumption, and (2) the governing body of the
municipality has adopted a resolution banning new construction in
11 the area pending connection of the area to a public water supply
system; or

13 b. The Department of Environmental Protection determines all
or a portion of the ground water serving the residential area to be
15 a well-restriction area.

A municipality applying for a loan under this section shall
17 certify to the department the estimated costs for extending a
public water supply system to an eligible residential area that
19 satisfies the criteria of this section. Monies from a loan made
hereunder are to be expended solely for the purpose of expanding
21 the public water supply system to residences with contaminated
wells.

23 (cf: P.L.1988, c.106, s.3)

4. This act shall take effect immediately.

25

27 STATEMENT

29 This bill would amend P.L.1988, c.106, which established the
"Water Supply Replacement Trust Fund," to provide that loans
31 may be made from the fund to privately-owned public water
systems to finance the extension of water service to an area in
33 which the water supply has been contaminated. The provisions of
P.L.1988, c.106 currently provide that loans from the fund may
35 be made only to a municipality or a municipally-owned public
water supply system.

1

ENVIRONMENT

Air and Water pollution

3

Provides for loans for water supply remediation to private water
5 companies.

ASSEMBLY CONSERVATION, NATURAL RESOURCES
AND ENERGY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3599

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 7, 1989

The Assembly Conservation, Natural Resources and Energy Committee favorably reports Senate Bill No. 3599 (SCS).

This bill would establish in the "Water Supply Replacement Trust Fund" created pursuant to P.L.1988, c.106, a Radium-Contaminated Water Supply sub-account, to be used by the Department of Environmental Protection for mapping and testing aquifers to determine the extent of radium contamination and for financing confirmatory tests to determine the presence of radium in potable water supplies. Owners of single family residences who have conducted tests of their potable water supplies that indicate the presence of radium above an action level determined by the department would be eligible to request the department to do a confirmatory test.

This bill would also appropriate \$3.5 million to the Radium-Contaminated Water Supply sub-account from the 1976 "Clean Waters Fund," which monies have been received as repayments of emergency water supply loans. Of this amount, \$1.0 million would be allocated to provide low-interest loans to owners of single family residences whose potable water is contaminated with radium to finance the installation of an alternative water supply or appropriate treatment technology. The committee amended the bill to allocate the \$1.0 million to the New Jersey Housing and Mortgage Finance Agency, which would administer the loan program, and to allow the monies to be used where a water supply is threatened with contamination.

The committee amendments would require the agency to establish a program to provide the loans to applicants who provide confirmation of contamination or the threat of contamination from the department or an approved health department. Loans would be for no more than \$10,000 each at an annual interest rate of 2 percent and for a term not to exceed 5 years.

LAW OFFICE OF
DO NOT REMOVE COPY

This bill would also authorize the use of monies in the "Water Supply Replacement Trust Fund" to make loans to privately owned public water supply systems, to conduct feasibility studies to determine appropriate remedies for contaminated potable water supplies, and to conduct confirmatory tests, in addition to the existing purposes to which these funds can be put. The bill would provide that the fund could be used to address contamination caused by a hazardous substances as defined pursuant to the "Spill Fund," which would include contamination by radon, radium, uranium, and thorium.

The bill would also allocate \$2.0 million of the monies available in this fund to conduct site specific feasibility studies. An additional \$8.0 million would be allocated for the extension of certain water supply systems in certain circumstances. Under this bill, the department would also be required to expand its radon public information and education program and toll-free public telephone information service to include information on radium contamination of potable water supplies.

LAW LIBRARY COPY
DO NOT REMOVE

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3599

STATE OF NEW JERSEY

DATED: MAY 22, 1989

The Senate Energy and Environment Committee favorably reports a Senate Committee Substitute for Senate Bill No. 3599.

The Senate Committee Substitute for Senate Bill No. 3599 would establish in the "Water Supply Replacement Trust Fund" created pursuant to P.L.1988, c.106, a Radium-Contaminated Water Supply sub-account, to be used by the Department of Environmental Protection for mapping and testing aquifers to determine the extent of radium contamination, and for financing confirmatory tests to determine the presence of radium in potable water supplies. Owners of single family residences who have conducted tests of their potable water supplies which show the presence of radium above an action level determined by the department would be eligible to request the department to do a confirmatory test. In addition, of the amount appropriated to the sub-account, \$1,000,000 would be allocated for the purpose of providing low interest loans to owners of single family residences whose source of potable water is contaminated with radium to finance the installation of an alternative water supply or appropriate treatment technology. This bill also appropriates to the Radium-Contaminated Water Supply sub-account \$3,500,000.00 from the 1976 "Clean Waters Fund" from amounts in the fund received as repayments of emergency water supply loans.

This bill also would require the department to expand its radon public information and education program and toll-free public telephone information service to include information on radium contamination of potable water supplies.

This bill would also authorize the use of monies in the "Water Supply Replacement Trust Fund" to make loans to privately owned public water supply systems. In addition, this bill would also authorize monies in the fund to be used by the department for conducting feasibility studies to determine appropriate remedies for contaminated potable water supplies and for conducting confirmatory tests, and would provide that the fund could be used to address contamination of a potable water supply caused by a

hazardous substance regulated pursuant to the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), which would include water supplies contaminated with radon, radium, and uranium and thorium.